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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,696	12/16/2003	Michael Man-Hak Tso	12487/10	8984
23911 CROWELL & I	7590 06/12/200 MORING LLP	EXAMINER		
INTELLECTUAL PROPERTY GROUP			HAILE, AWET A	
P.O. BOX 14300 WASHINGTON, DC 20044-4300			ART UNIT	PAPER NUMBER
			2616	
			MAIL DATE	DELIVERY MODE
			06/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/735,696	MAN-HAK TSO ET AL.
Office Action Summary	Examiner	Art Unit
	AWET HAILE	2616
The MAILING DATE of this communication ap Period for Reply	ppears on the cover sheet with the	correspondence address
A SHORTENED STATUTORY PERIOD FOR REP WHICHEVER IS LONGER, FROM THE MAILING I - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory perior - Failure to reply within the set or extended period for reply will, by statu. Any reply received by the Office later than three months after the mail earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATIO 1.136(a). In no event, however, may a reply be tind d will apply and will expire SIX (6) MONTHS from the, cause the application to become ABANDONE	N. mely filed I the mailing date of this communication. ED (35 U.S.C. § 133).
Status		
1)☑ Responsive to communication(s) filed on 18 2a)☐ This action is <b>FINAL</b> . 2b)☑ Th 3)☐ Since this application is in condition for allow closed in accordance with the practice under	nis action is non-final. vance except for formal matters, pre	
Disposition of Claims		
4)  Claim(s) 1-33 is/are pending in the applicatio 4a) Of the above claim(s) is/are withdr 5)  Claim(s) is/are allowed. 6)  Claim(s) 1-33 is/are rejected. 7)  Claim(s) is/are objected to. 8)  Claim(s) are subject to restriction and/ Application Papers 9)  The specification is objected to by the Examir	rawn from consideration.  /or election requirement.	
10) The drawing(s) filed on is/are: a) according to the Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the E	ccepted or b) objected to by the e drawing(s) be held in abeyance. Se ection is required if the drawing(s) is ob	e 37 CFR 1.85(a). ejected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Bure * See the attached detailed Office action for a list	nts have been received. nts have been received in Applicat iority documents have been receiv au (PCT Rule 17.2(a)).	ion No ed in this National Stage
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)  Paper No(s)/Mail Date	4)  Interview Summary Paper No(s)/Mail D 5)  Notice of Informal I 6)  Other:	ate

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#### **DETAILED ACTION**

### Response to Amendment

1. **Claims 1-33** are pending on this application.

## Response to Argument

2. Applicant's arguments with respect to claims **1-33** have been considered but are moot in view of the new ground(s) of rejection.

# Claim Rejections – 35 USC§ 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 4. **Claims 1-8, 11, 13, 22 and 30-33** are rejected under 35 U.S.C. 102(e) as being anticipated by Taylor (US 2003/0135573 A1).

Regarding claim 1, Taylor '573 discloses, a method of processing incoming data( see abstract and Fig.1, i.e. a method of processing data received at Message Transfer Agents( MAT) server from client computers or other MTA servers is disclosed), comprising: receiving incoming data( see Fig. 3A, step 302 and paragraph 26, i.e. MAT server receiving messages from another MAT server over the network);

and determining whether to employ stateless routing of the incoming data based on a destination host associated with the incoming data (see Fig. 3A, steps 303-309, paragraph 26-31, a decision whether to route a message without first storing it to nonvolatile memory is made(step 303) based on the amount of data received for the destination device, notice, examiner interpreted the term "stateless" as defined by applicant on paragraph 12).

Regarding claim 2, Taylor '573 discloses, determining that stateless routing is to be employed (see Fig. 3A, steps 303-309, paragraph 26 – 31, a decision whether to route a message without first storing it to nonvolatile memory is made(step 303) based on the amount of data received for the destination device); and storing the incoming data only in volatile memory(see Fig. 3A, step 304, i.e. storing received messages only into a memory/volatile).

**Regarding claim 3,** Taylor '573 discloses, withholding confirmation of receipt of the incoming data until confirmation of delivery is received from either the destination host or a downstream router( see Fig. 3A -3B, steps 303, 304, 310-314 and paragraphs 26-31, notice, if the message is stored on memory/volatile withhold confirmation until message is received by all destinations).

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**Regarding claim 4,** Taylor '573 discloses, wherein a copy of the incoming data is to be stored in nonvolatile memory by a sender of the incoming data until the confirmation of receipt is received at the sender (Fig. 3B, steps 319 and 320, i.e. removing messages from non volatile memory step 320 upon receiving a confirmation from the destination device).

**Regarding claim 5,** Taylor '573 discloses, receiving the confirmation of delivery (Fig. 3B, step 312, i.e. verifying delivery of messages to the destination device); and sending the confirmation of receipt toward a sender of the incoming data (Fig. 3B, step 314, i.e. responding to the sender of the message, to inform successfully delivery of message).

**Regarding claim 6,** Taylor '573 discloses, further including aborting the stateless routing by storing the incoming data in nonvolatile memory and sending confirmation of receipt of the incoming data toward a sender of the incoming data (see Fig. 3A -3B, steps 303, 309, 316 and 317, i.e. if a decision is made to store received data in a non volatile memory (non stateless routing), confirmation is sent to the message sender (see step 317)).

**Regarding claim 7,** Taylor '573 discloses, storing historical data for the destination host (see paragraph 26 and Fig. 3A, step 303, i.e. counting the total number of bytes written to the memory); and determining whether to employ stateless routing based on the historical data (see Fig. 3A, steps 303-309, paragraph 26 - 31, a decision whether

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to route a message without first storing it to nonvolatile memory is made(step 303) based on the amount of data received for the destination device).

Regarding claim 8, Taylor '573 discloses, wherein the historical data includes at least one of previous stateless routing outcomes and previous routing latencies ( see Fig. 3B, i.e. determining whether messages routed successfully, if not store messages in non volatile memory).

Regarding claim 11, Taylor '573 discloses, Jiang '798, receiving control data(see Fig. 3A, steps 301 and 302, i.e. receiving source and destination address); and determining whether to employ stateless routing based on the control data(Fig. 3A, step 303, whether to forward a message without saving it in non volatile memory is determined by associating messages with previously received messages).

**Regarding claim 13,** Taylor '573 discloses, wherein the incoming data and the control data are received in a data channel (Fig. 3A, step 302, i.e. receiving messages with a source and destination information).

**Regarding claim 22,** Taylor '573 discloses, wherein the incoming data includes a message (Fig. 3A, step. 302, i.e. receive bytes of message over connection).

**Regarding claim 30,** Taylor '573 discloses, a computer readable medium encoded with computer executable instructions comprising a stored set of instructions

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capable of being executed by a processor to: receiving incoming data (see Fig. 3A, step 302 and paragraph 26, i.e. MAT server receiving messages from another MAT server over the network);

and determining whether to employ stateless routing of the incoming data based on a destination host associated with the incoming data ( see Fig. 3A , steps 303-309, paragraph 26-31, a decision whether to route a message without first storing it to nonvolatile memory is made(step 303) based on the amount of data received for the destination device, notice, examiner interpreted the term "stateless" as defined by applicant on paragraph 12).

Regarding claim 31, Taylor '573 discloses, determining that stateless routing is to be employed (see Fig. 3A, steps 303-309, paragraph 26 – 31, a decision whether to route a message without first storing it to nonvolatile memory is made(step 303) based on the amount of data received for the destination device); and storing the incoming data only in volatile memory(see Fig. 3A, step 304, i.e. storing received messages only into a memory/volatile.

Regarding claim 32, Taylor '573 discloses, withholding confirmation of receipt of the incoming data until confirmation of delivery is received from either the destination host or a downstream router (see Fig. 3A -3B, steps 303, 304, 310-314 and paragraphs 26-31, notice, if the message is stored on memory/volatile withhold confirmation until message is received by all destinations).

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Regarding claim 33, Taylor '573 discloses, wherein a copy of the incoming data is to be stored in nonvolatile memory by a sender of the incoming data until the confirmation of receipt is received at the sender (Fig. 3B, steps 319 and 320, i.e. removing messages from non volatile memory step 320 upon receiving a confirmation from the destination device).

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# Claim Rejections – 35 USC§ 103

- 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 6. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
  - 1. Determining the scope and contents of the prior art.
  - 2. Ascertaining the differences between the prior art and the claims at issue.
  - 3. Resolving the level of ordinary skill in the pertinent art.
  - 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
- 7. Claims 20, 21, 23 -25 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor '573 in view of Salisbury (US 6483834 B1).

**Regarding claim 20,** Taylor '573 discloses, wherein the incoming data is received over a first connection (see Fig. 1, i.e., Server 101 receiving messages from server 102 via the internet), the method further including sending the incoming data toward the destination host over a second connection (see Fig. 1, i.e. server 101 communicating with clients 104 -106).

Taylor '573 is silent on, the first and second connections being part of a virtual circuit.

Salisbury '834 teaches, the first and second connections being part of a virtual circuit (see Fig. 1 and 2, i.e. ATM switch comprising multiple virtual channels).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of communicating with other devices via a virtual channels as taught by Salisbury '834 into the server 101 of Taylor '573, in order to create a switching a switched virtual circuit that will not only meet the arrival time and order requirements but will also insure that no data are lost during the transmission, since such method is suggested by Salisbury '834 (see column 2, lines 11-14).

**Regarding claim 21,** Taylor '573 discloses, wherein the sending of the message begins before completion of the receiving of the message (see Fig. 3B, steps 312 – 316,

i.e. if received data is stored in a memory forwarding to the destination devices before completion of receiving).

**Regarding claim 23,** Taylor '573 discloses, a method of processing messages comprising (see abstract and Fig.1, i.e. a method of processing data received at server101 from client computers or server102 is disclosed):

storing historical data for one or more destination hosts (see paragraph 26 and Fig. 3A, step 303, i.e. counting the total number of bytes written to the memory); receiving control data (Fig. 1, shows client 104 -16 connecting to the server 101, thus, in order to forward messages to one of the destination clients server 101 must receive control data with the messages, therefore, receiving control data is an inherent future of Taylor '573 server);

receiving a message over a first connection (see Fig. 3A, step 302 and paragraph 26, i.e. MAT server receiving messages from another MAT server over the network), the message being associated with the one or more destination hosts (see Fig. 1, paragraph 4 and 5, i.e. server 101 receiving messages destined to clients 104 - 106); determining whether to employ stateless routing of the message based on the historical data and the control data( see Fig. 3A, steps 303-309, paragraph 26 – 31, a decision whether to route a message without first storing it to nonvolatile memory is made(step 303) based on the amount of data received for the destination device and based on the control data

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associated with recipient of the message, notice, examiner interpreted the term "stateless" as defined by applicant on paragraph 12).

storing the message only in volatile memory and withholding confirmation of receipt of the message if it is determined that stateless routing is to be employed (see Fig. 3A -3B, steps 303, 304, 310-314 and paragraphs 26-31, notice, if the message is stored on memory/volatile withhold confirmation until message is received by all destinations); receiving confirmation of delivery from one or more destination hosts associated with the message (see Fig. 312, ; and sending the confirmation of receipt to a sender of the message.

Taylor '573 is silent on, sending the message to the one or more destination hosts over additional connections forming one or more virtual circuits.

Salisbury '834, teaches, sending the message to the one or more destination hosts over additional connections forming one or more virtual circuits (see column 1, lines 54-column 2, line10, i.e. creating a virtual circuits based on the amount of received/stored data).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of creating a virtual circuit based on the amount of data received as taught by Salisbury '834 into the server 101 of Taylor '573, in order to create a switching a switched virtual circuit that will not only meet the

arrival time and order requirements but will also insure that no data are lost during the transmission, since such method is suggested by Salisbury '834 (see column 2, lines 11-14).

Regarding claim 24, Taylor '573 discloses, wherein a copy of the incoming data is to be stored in nonvolatile memory by a sender of the incoming data until the confirmation of receipt is received at the sender (Fig. 3B, steps 319 and 320, i.e. removing messages from non volatile memory step 320 upon receiving a confirmation from the destination device).

Regarding claim 25, Taylor '573 discloses, wherein the historical data includes at least one of previous stateless routing outcomes and previous stateless routing latencies (see Fig. 3B, i.e. determining whether messages routed successfully, if not store messages in non volatile memory).

**Regarding claim 29,** Taylor '573 discloses, wherein the sending of the message begins before completion of the receiving of the message (see Fig. 3B, steps 312 – 316, i.e. if received data is stored in a memory forwarding to the destination devices before completion of receiving).

8. Claims 9, 10, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor '573 in view of Hannel et al (US 7194535 B2).

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**Regarding claim 9**, Taylor '573 failed to teach, calculating a success rate probability based on the previous routing outcomes.

Hannel '535 teaches, calculating a success rate probability based on the previous routing outcomes (see column 7, lines 18-39, i.e. determining the rate of connections being drooped).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of determining the rate of packet drop as taught by Salisbury '834 into the server 101 of Taylor '573, in order to determine a packet retransmission rate, since such method is suggested by Salisbury '834(see column 32-35).

**Regarding claim 10**, Taylor '573 failed to teach, calculating a weighted latency average based on the previous routing latencies.

Hannel '535 teaches, calculating a weighted latency average based on the previous routing latencies (see column 7, lines 52-59 i.e. calculating the number of packets that can be processed per second).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of calculating the average packet processing time as taut by Hannel '535 into the into the server 101 of Taylor '573, in

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order to determine a packet retransmission rate, since such method is suggested by Hannel '535 (see column 32-35).

**Regarding claim 18,** Taylor '573 failed to teach, further including generating a probability decision representative of whether stateless routing is to be employed.

Hannel '535 teaches, generating a probability decision representative of whether stateless routing is to be employed (see column 3, lines 25 - 41 and fig 4, step ST4, i.e. performance and behavior of the stateless and stateful connections measured in order to determine the type of connection needed).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of generating packet transmission rate as taught by Hannel '535 into the server101 of Taylor '573, in order to determine a packet retransmission rate, since such method is suggested by Hannel '535 (see column 32-35).

**Regarding claim 19,** Taylor '573 teaches, wherein the incoming data is associated with a plurality of destination hosts (see Fig. 1, Server 101 communicating with plurality of destination clients).

Taylor '573 is silent on, the method further including: generating a probability decision for each of the plurality of destination hosts; and multiplying the probability decisions together to represent whether stateless routing is to be employed.

Hannel '535, the method further including: generating a probability decision for each of the plurality of destination hosts and multiplying the probability decisions together to represent whether stateless routing is to be employed (see column 3, lines 25 -41 and fig 4, step ST4, i.e. performance and behavior of the stateless and stateful connections measured in order to determine the type of connection needed).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of generating packet transmission rate as taught by Hannel '535 into the server101 of Taylor '573, in order to determine a packet retransmission rate, since such method is suggested by Hannel '535 (see column 32-35).

9. Claims 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor '573 in view of Xiong et al (US 6721315 B1).

Regarding claim 12, Taylor '573 failed to teach, wherein the incoming data is received in a data channel and the control data is received in a control channel.

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Xiong '315 teaches wherein the incoming data is received in a data channel and the control data is received in a control channel (see column 5, lines 42-55, i.e. receiving data and control data via multiple data and control channels respectively).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of receiving data on data channel and control data on control channel as taught by Xiong '315 into the server 101 of Taylor '573, in order to provide an end to end communication path via server 101, since such method is suggested by Xiong '315(see column 2, lines 1-5).

10. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor '573 in view of Nielsen et al (US 20003/0074413 A1).

**Regarding claim 14,** Taylor '573 failed to teach, wherein the control data includes at least one of a time-to-live value, a hop count value and a maximum-hop value for the incoming data.

Nielsen '413 teaches, wherein the control data includes at least one of a time-to-live value, a hop count value and a maximum- hop value for the incoming data (see paragraph 50, i.e., receiving a packet with time information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method receiving a control data with a time to live information as taught by Nielsen '413, into the server 101 of Taylor '573, in order to ensure that the message is routed through an intermediary that provides a value added service, since such method is suggested by Nielsen '413(paragraph 50).

**Regarding claim 15,** Taylor '573 failed to teach, reducing at least one of the time-to-live value and the maximum-hop value if the incoming data is associated with a plurality of destination hosts.

Nielsen '413 teaches, reducing at least one of the time-to-live value and the maximum-hop value if the incoming data is associated with a plurality of destination hosts (see paragraph 53, i.e., determining the time to live value based on routing table information associated with the destination).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of reducing the time-to-live value as taught by Nielsen '413, into the server 101 of Taylor '573, in order to ensure that the message is routed through an intermediary that provides a value added service, since such method is suggested by Nielsen '413(paragraph 50).

11. **Claims 16 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor '573 in view of Saliga( us 3870828).

**Regarding claim 16,** Taylor '573 failed to teach, either caching or generating a binary decision representative of whether stateless routing is to be employed.

Saliga '828 teaches, either caching or generating a binary decision representative of whether stateless routing is to be employed (see column 3, lines 13-19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of generating a binary decision representative as taught by Saliga '828 into the server 101 of Taylor '573, in order to add a supervisory signaling system that requires no additional bandwidth with only minor decreases in overall primary channel performance, since such method is suggested by Saliga '828(see column 2, lines 62-65).

**Regarding claim 17,** Taylor '573 failed to teach, generating a binary decision for each of the plurality of destination hosts; and performing an AND operation between each of the binary decisions to represent whether stateless routing is to be employed.

Saliga '828 teaches, generating a binary decision for each of the plurality of destination hosts (see column 3, lines 13-19, i.e. a binary representing the destination devices); and performing an AND operation between each of the binary decisions to represent whether stateless routing is to be employed (Fig,3, i.e. deciding how to route the data based on AND operation of the switch).

Saliga '828(see column 2, lines 62-65).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of generating a binary decision representative as taught by Saliga '828 into the server 101 of Taylor '573, in order to add a supervisory signaling system that requires no additional bandwidth with only minor decreases in overall primary channel performance, since such method is suggested by

12. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor '573 and Salisbury '834 as applied to claim 23 above, and further in view of Nielsen **'**413.

Regarding claim 26, Taylor '573 and Salisbury '834 failed to teach, wherein the control data includes at least one of a time-to-live value, a hop count value and a maximum- hop value for the incoming data.

Nielsen '413 teaches, wherein the control data includes at least one of a time-tolive value, a hop count value and a maximum- hop value for the incoming data (see paragraph 50, i.e., receiving a packet with time information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method receiving a control data with a time to live information as taught by Nielsen '413, into the server 101 of Taylor '573, in order to ensure that the message is routed through an intermediary that provides a value added service, since such method is suggested by Nielsen '413(paragraph 50).

13. **Claim 27** is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor '573 and Salisbury '834 as applied to claim 23 above, and further in view of Saliga '828.

**Regarding claim 27,** Taylor '573 and Salisbury '834 failed to teach, either caching or generating a binary decision representative of whether stateless routing is to be employed.

Saliga '828 teaches, generating a binary decision representative of whether stateless routing is to be employed (see column 3, lines 13-19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of generating a binary decision representative as taught by Saliga '828 into the server 101 of Taylor '573, in order to add a supervisory signaling system that requires no additional bandwidth with only minor decreases in overall primary channel performance, since such method is suggested by Saliga '828( see column 2, lines 62-65).

14. **Claim 28** is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor '573 and Salisbury '834 as applied to claim 23 above, and further in view of Hannel '535.

**Regarding claim 28**, Taylor '573 and Salisbury '834 failed to teach, further including generating a probability decision representative of whether stateless routing is to be employed.

Hannel '535 teaches, generating a probability decision representative of whether stateless routing is to be employed. (see column 7, lines 52-59 i.e. calculating the number of packets that can be processed per second).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of calculating the average packet processing time as taut by Hannel '535 into the into the server 101 of Taylor '573, in order to determine a packet retransmission rate, since such method is suggested by Hannel '535 (see column 32-35).

### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, Obrien et al(US 6351776 B1), Horvitz et al(US 2003/0101190 A1), Bracewell et al(US 2006/0036683 A1), Anson et al(US 2002/0116524 A1) are recited to show stateless routing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AWET HAILE whose telephone number is (571)270-

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3114. The examiner can normally be reached on Monday Through Friday 8:30 AM -

4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, MOE AUNG can be reached on (571)272-3474. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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/Aung S. Moe/ Supervisory Patent Examiner, Art Unit 2616 AWET HAILE Examiner Art Unit 2616